

Appl. No. 10/073,623
Reply to Final Office Action Dated Feb. 6, 2007

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REMARKS

With the foregoing amendment claims 1-13, 15-21 and 24-30 are pending in the application. Claims 1, 10, and 21 are independent. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the present application.

Rejection of Independent Claim 1

Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Needham (US 6,803,945). Applicant respectfully disagrees.

As discussed in response to the non-final Office Action, Needham does not disclose a system that is configured to "store [a] second image as a final image if the motion between said second image and [a] first image is below said at least one predetermined motion threshold," as is required by claim 1. The Office disagrees. Applicant, however, respectfully submits that the Office is incorrectly interpreting the disclosure of Needham.

In support of its contention that Needham discloses storing an image as a final image if the image is deemed to be stable, the Office states, "Needham discloses a motion detecting algorithm [wherein] ... if image is stable (that means no motion), the flow chart goes to step 37, at step 37, the selected stable frame is uploaded to Web server for storing as a final image frame." Final Office Action at 2 (emphasis added).

Applicant agrees with the Office that figure 4 of Needham illustrates the flow chart proceeding to step 37 if the current image is stable (that means no motion). However, applicant disagrees with the Office as to what happens in step 37.

The Office asserts that in step 37 the second image (i.e., the "current image") is uploaded to a Web server if the current image is stable. This is simply not true. Rather than teaching that the current image is uploaded to the web server in step 37 if the current image

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is stable, Needham clearly discloses that some other image that was taken prior to the current image is uploaded to the web server in step 37 if the current image is stable.

Specifically, Needham states, "In step 37 if a stable frame is detected, then one of the stored frames is selected for uploading to a web server [i.e., one of the images stored in the frame buffer as a result of the performance of step 35]. The particular frame that may be chosen is the frame that occurred a predetermined time prior to the detection of a stable frame." Needham at col. 5, lines 54-56 (emphasis added).

Applicant respectfully submits that, if the current image is stable (that means no motion), then it is impossible for the current image to be "one of the stored frames" because the step of storing a current image in the frame buffer occurs at step 35 and step 35 is not performed if the current image is stable (that means no motion). Thus, because the current image cannot be "one of the stored frames" that is selected in step 37 if the current image is stable, the current image, if it is stable, cannot be uploaded to the web server. Accordingly, the Office's assertion that Needham discloses uploading the current image to the web server if the current image is deemed to be stable is wrong.

It is clear from Needham that the system uploads some previous image in response to the system determining that the current image is stable. In other words, if the current image is stable, the current image is not uploaded, but some previous image is. This is the exact opposite of the invention defined by claim 1, which requires that the "second image" (i.e., the current image) is stored as a final image if the second image is stable.

Applicant, therefore, respectfully requests that the rejection of claim 1 (and claims 2-9) be withdrawn.

Rejection of Independent Claim 10

Claim 10 stands rejected under 35 U.S.C. § 102 as being anticipated by Needham (US 6,083,945). Applicant respectfully disagrees. Like claim 1, claim 10 requires, "(d) if it

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is determined that said current image is stable with regard to motion, then storing the current image as the final image of the image capturing operation.” Accordingly, the above remarks for claim 1 apply to claims 10.

Rejection of Independent Claim 21

Claim 21 stands rejected under 35 U.S.C. § 102 as being anticipated by Needham (US 6,083,945). Applicant respectfully disagrees. Like claim 1, claim 21 requires, “if the second image is stable with regard to motion, then storing the second image as the final image.” Accordingly, the above remarks for claim 1 apply to claim 21.

Additionally, claim 21 requires, “in response to detecting the shutter button press ... setting a hold out timer to expire in a predetermined amount of time.” The Office contends that Needham discloses this step. Applicant disagrees.

In support of its contention, the Office cites to Needham col. 4, lines 30. Applicant admits that this portion of Needham discloses setting a timer to expire after some predetermined amount of time. However, the timer that is set by Needham is not set “in response to detecting the shutter button press.” Rather, the timer disclosed in Needham is set to expire in response to a detected motion event. Specifically, Needham discloses capturing an image frame “a certain period of time following a last detected motion event.” Needham at col. 4, lines 26-27 (emphasis added). Because the image is captured a “certain period of time following a last detected motion event,” it necessarily follows that the timer is set to expire in response to the motion event. Accordingly, Needham does not disclose “setting a hold out timer to expire in a predetermined amount of time [in response to detecting the shutter button press],” as is required by claim 21. For this additional reason the rejection of claim 21 should be withdrawn.

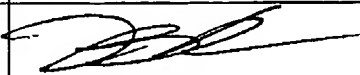
CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the

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Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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